UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

| JOHN PRICE, |) | |
|---|-------------|------------------------------|
| Plaintiff, |) | |
| v. |) | Case No. 1:12-CV-1150 LO/JFA |
| MARK ORDAN, GLYN AEPPEL, THOMAS DONOHUE, STEPHEN HARLAN, PAUL KLAASSEN, LYNN KROMINGA, WILLIAM LITTLE, SUNRISE SENIOR LIVING, INC., HEALTH CARE REIT, INC., BREWER HOLDCO, INC., BREWER |)))))) | |
| HOLDCO SUB, INC., and RED FOX INC., |) | |
| Defendants. |) | |

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff John Price, by and through his undersigned counsel, hereby notices the voluntary dismissal of the above-captioned action pursuant to Fed. R. Civ. P. 41(a)(i).

Dated: October 22, 2012 ____/s/____

Elizabeth K. Tripodi, VA Bar #73483 LEVI & KORSINSKY LLP 1101 30th Street, NW Suite 115 Washington, D.C. 20007 Tel: (202) 524-4290 Fox: (202) 333 2121

Fax: (202) 333-2121 etripodi@zlk.com